

INITIAL STATEMENT OF REASONS

a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

These regulations implement Senate Bill (SB) 1982, Chapter 773, Statutes of 2002. Health and Safety Code Section 1530.1(a) provides for the consolidation of California Code of Regulations (CCR), Title 22, Division 6, Chapters 3 and 3.5, "Adult Day Care Facilities" and "Adult Day Support Centers," respectively, into one category, "Adult Day Programs." "Adult Day Care Facilities" and "Adult Day Support Centers" are not stand-alone categories and therefore are also governed by the "General Licensing Requirements," CCR, Title 22, Division 6, Chapter 1 (Sections 80000 et seq.). SB 1982, Section 1(b) allows for the "Adult Day Programs" category to be a stand-alone category and therefore, in this regulations package, the pertinent regulations sections from the "General Licensing Requirements" regulations are adopted and amended where necessary to better fit in this new stand-alone chapter. Further, throughout these regulations the word "participant" is replaced with "client" and the word "facility" is replaced with "day program" for clarity and consistency.

Chapter 3Specific Purpose/Factual Basis:

The chapter title is amended to read "Adult Day Programs" instead of "Adult Day Care Facilities" as required by SB 1982.

Section 82000Specific Purpose/Factual Basis:

This section is amended to conform to corresponding statutory changes and delete the reference to Chapter 1.

Section 82001Specific Purpose/Factual Basis:

This section is amended to clarify that the definitions provided in this section apply to the regulations in this chapter.

Sections 82001(a)(1) through (a)(1)(F) and Handbook

Specific Purpose:

These sections are duplicated from Sections 80001(a)(1) through (a)(1)(F) and Handbook to provide a definition of the term "Activities of Daily Living." The handbook section is provided to reference the definition of "Client Who Relies Upon Others to Perform All Activities of Daily Living" as it is used in adult day programs.

Factual Basis:

These sections are necessary to provide definitions of this term as it is used in adult day programs.

Section 82001(a)(2)

Specific Purpose:

This section is duplicated from Section 80001(a)(2) to provide a definition of the term "Administrator." The word "facility" has been replaced with "day program" to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(a)(3)

Specific Purpose:

This section is duplicated from Section 80001(a)(3) to provide a definition of the term "Adult."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(a)(4)

Specific Purpose:

This section is essentially duplicated from Section 80001(a)(4) to provide a definition of the term "Adult Community Care Facility." The terms "Adult Day Care Facilities (ADCF) and Adult Day Support Centers (ADSC)" have been omitted and replaced with "Adult Day

Programs" to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(a)(5) (New)

Specific Purpose:

This section is adopted to include a definition of the term "Adult Day Program."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82001(a)(6)

Specific Purpose:

This section is duplicated from Section 80001(a)(8) to provide a definition of the term "Applicant."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(a)(7) (Renumbered from Section 82501(a)(2))

Specific Purpose:

This section is renumbered from Section 82501(a)(2) to provide a definition of the term "Assessment" and to replace the word "participant" with "client."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(a)(8)

Specific Purpose:

This section is duplicated from Section 80001(a)(9) to provide a definition of the term "Authorized Representative" and is amended to omit reference to "a minor's parent," "a legal guardian," and "public placement agency."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs. The amendment to omit the reference to minors, legal guardian and public placement agency is necessary to narrow the definition to adult day programs and to ensure that the definition is relevant to all adult day programs.

Section 82001(a)(9)

Specific Purpose/Factual Basis:

This section is renumbered from Section 82001(a)(7).

Section 82001(b)(1)

Specific Purpose:

This section is duplicated from Section 80001(b)(1) to provide a definition of the term "basic rate," and is amended to omit reference to SSI/SSP recipients. The term "facility" is replaced with the term "licensee" for clarity.

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs. The amendment is necessary to ensure that the definition is relevant to all adult day programs and for clarity. Reference to SSI/SSP recipients was omitted because services provided by adult day programs are not covered by SSI/SSP funding.

Section 82001(b)(2)

Specific Purpose:

This section is duplicated from Section 80001(b)(2) to provide a definition of the term "basic services."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(c)(1)

Specific Purpose:

This section is duplicated from Section 80001(c)(1) to define the term "California Clearance."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs because the ability to be licensed or employed in a community care facility depends upon whether the individual has a criminal record clearance. A criminal record clearance as defined in Section 82001(c)(14) includes a "California clearance." In addition, clients or persons who are placing clients in community care facilities and who depend upon the Department for protection must have a clear definition of a "California clearance." It is necessary that they understand what a clearance means, including what kinds of infractions of the law are not included when a "California clearance" is issued.

Section 82001(c)(2)

Specific Purpose:

This section is duplicated from Section 80001(c)(2) to provide a definition of the term "capacity." The word "facility" is replaced with "adult day program."

Factual Basis:

The definition is necessary to ensure that the regulations are relevant to all adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82001(c)(3) et seq.

Specific Purpose:

These sections are duplicated from Sections 80001(c)(3) et seq. to provide a definition of the term "care and supervision" and in Section 82001(c)(3)(E), the term "facility" is replaced with "day program."

Factual Basis:

These sections are necessary to provide a definition of this term as it is used in adult day programs. The amendments are necessary to ensure that the definition is relevant to all adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82001(c)(4) (Renumbered from Section 82501(c)(1))

Specific Purpose:

This section is renumbered from Section 82501(c)(1) to provide a definition of the term "careprovider." The terms "participant's" and "center" are replaced with "client's" and "adult day program" respectively.

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs. The amendments are necessary to ensure that the regulation is relevant to all adult day programs and people served by the adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Nonsubstantive amendments were made for clarity.

Sections 82001(c)(5) et seq.

Specific Purpose:

These sections are duplicated from Sections 80001(c)(4) et seq. except (c)(3)(D) to provide a definition of the term "cash resources." Section 80001(c)(3)(D) is not duplicated as it does not apply to adult day programs.

Factual Basis:

These sections are necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(c)(6)

Specific Purpose:

This section is duplicated from Section 80001(c)(10) to provide a definition of the term "client." It is also amended to omit the reference to "children, resident, and community care facilities" because these terms are not used in adult day programs.

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs. The amendments ensure that the regulation is relevant to all adult day programs and people served by the adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82001(c)(7) and Handbook

Specific Purpose:

This section is duplicated from Section 80001(c)(11) and handbook to provide a definition of the term "client who relies upon others to perform all activities of daily living." The handbook section is provided to reference "Activities of Daily Living."

Factual Basis:

This section and handbook section are necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(c)(8)

Specific Purpose:

This section is duplicated from Section 80001(c)(12) to provide a definition of the term "close friend."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day care programs.

Section 82001(c)(9)

Specific Purpose:

This section is duplicated from Section 80001(c)(13) to provide a definition of the term "community care facility." The word "facility" in the definition is amended to read "day program."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82001(c)(10)

Specific Purpose:

This section is duplicated and amended from Section 80001(c)(16) to provide a definition of the term "conservator."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs and amended to clarify the meaning of "conservator" to be consistent with state law.

Section 82001(c)(11) (Renumbered from Section 82501(c)(2))

Specific Purpose:

This section is renumbered from Section 82501(c)(2). The word "center's" is amended to read "day program's."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in the adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Sections 82001(c)(12) et seq.

Specific Purpose:

These sections are duplicated from Sections 80001(c)(18) et seq. to provide a definition of the term "control of property." The word "facility" is amended to read "adult day program."

Factual Basis:

These sections are necessary to provide a definition of this term as it is used in adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82001(c)(13) et seq.

Specific Purpose:

These sections are duplicated from Sections 80001(c)(19) et seq. to provide a definition of the term "conviction."

Factual Basis:

These sections are necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(c)(14)

Specific Purpose:

This section is duplicated from Section 80001(c)(20) to provide a definition of the term "criminal record clearance."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(d)(1)

Specific Purpose:

This section is duplicated from Section 80001(d)(1) to provide a definition of the term "day."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(d)(2)

Specific Purpose:

This section is duplicated from Section 80001(d)(2) to provide a definition of the term "deficiency."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(d)(3)

Specific Purpose:

This section is duplicated from Section 80001(d)(5) and the handbook language is incorporated to provide a clear definition of the term "department."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(d)(4) and Handbook

Specific Purpose:

These sections are duplicated from Section 80001(d)(6) and Handbook to provide a definition of the term "developmental disability."

Factual Basis:

These sections are necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(d)(5)

Specific Purpose:

This section is duplicated from Section 80001(d)(7) to provide a definition of the term "dietitian."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(d)(6) (Renumbered from Section 82501(d)(1))

Specific Purpose:

This section is renumbered from Section 82501(d)(1). The word "participants" is amended to read "clients."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in the adult day programs. The amendment is necessary to ensure that the regulations are relevant to all persons participating in adult day programs.

Section 82001(d)(7)

Specific Purpose:

This section is duplicated from Section 80001(d)(8) and the handbook language is incorporated to provide a clear definition of the term "director."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(e)(1)

Specific Purpose:

This section is duplicated from Section 80001(e)(3) to provide a definition of the term "emergency approval to operate," the word "facility" is amended to read "day program," and "on whether" is amended to read "either" for clarity and consistency.

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs. The amendment ensures that these regulations are relevant to all adult day programs and persons served by the adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82001(e)(2)

Specific Purpose:

This section is duplicated from Section 80001(e)(4) to provide a definition of the term "evaluator." It is amended to clarify the language as it applies to adult day programs.

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(e)(3)

Specific Purpose:

This section is duplicated from Section 80001(e)(5) to provide a definition of the term "evidence of licensee's death."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(e)(4)

Specific Purpose:

This section is duplicated from Section 80001(e)(6) to provide a definition of the term "exception," the word "facilities" is amended to read "day programs."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs. The amendment ensures that these regulations are relevant to all adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82001(e)(5) and Handbook

Specific Purpose:

These sections are duplicated from Section 80001(e)(7) and Handbook to provide a definition of the term "exemption." The Handbook has been amended to correctly summarize the statute.

Factual Basis:

These sections are necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(e)(6)

Specific Purpose:

This section is duplicated from Section 80001(e)(8) to provide a definition of the term "existing facility." This section is amended to omit language no longer applicable as licenses do not have expiration dates.

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(f)(1)

Specific Purpose:

This section is duplicated from Section 80001(f)(1) to define the term "Federal Bureau of Investigation (FBI) clearance."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs. A criminal record clearance as defined in Section 82001(c)(14) includes a "Federal Bureau of Investigation (FBI) clearance." In addition, clients or persons who are placing clients in community care facilities and who depend upon the Department for protection must have a clear definition of a "Federal Bureau of Investigation (FBI) clearance." It is necessary that they understand what a clearance means, including what kinds of infractions of the law are not included when a "Federal Bureau of Investigation (FBI) clearance" is issued.

Section 82001(f)(2)

Specific Purpose:

This section is renumbered from Section 82501(f)(1) to provide a definition of the term "formal supports."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(f)(3)

Specific Purpose:

This section is renumbered from Section 82501(f)(2) to provide a definition of the term "functionally impaired adult" and amended to clarify the language.

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Sections 82001(f)(3)(A) and (B)

Specific Purpose:

These sections are renumbered from Sections 82501(f)(2)(A) and (B) and amended to repeal the individual references to the "activities of daily living" and the "instrumental activities of daily living."

Factual Basis:

These sections are necessary to provide a definition of these terms as they are used in adult day programs. The examples of "activities of daily living" and "instrumental activities of

daily living" are omitted to eliminate redundancy. "Activities of daily living" are listed individually in Sections 82001(a)(1)(A) through (F) and "instrumental activities of daily living" are listed individually in Sections 82001(i)(2)(A) through (E).

Section 82001(h)(1)

Specific Purpose:

This section is duplicated from Section 80001(h)(1) to provide a definition of the term "health condition relocation order." The term "CCF" is amended to read "adult day program." A cross-reference is updated.

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs. The amendment to omit reference to CCFs is necessary to narrow this definition as it applies to adult day programs only.

Section 82001(h)(2)

Specific Purpose:

This section is duplicated from Section 80001(h)(2) to provide a definition of the term "home economist."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(h)(3) (New)

Specific Purpose:

This section is adopted to define the term "hours of operation" as it applies to adult day programs.

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82001(i)(1)

Specific Purpose:

This section is duplicated from Section 80001(i)(2) to provide a definition of the term "inhalation-assistive device."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Sections 82001(i)(2) through (i)(2)(E) (New)

Specific Purpose:

These sections are adopted to define the term "instrumental activities of daily living" and to list specific examples of those activities.

Factual Basis:

These sections are necessary to provide a definition of this term as it is used in adult day programs. The examples ensure that these regulations are relevant to all adult day programs and people served by the adult day programs.

Section 82001(i)(3)

Specific Purpose:

This section is duplicated from Section 80001(i)(3) to provide a definition of the term "interdisciplinary team."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Sections 82001(l)(1) through (4)

Specific Purpose:

These sections are duplicated from Sections 80001(l)(1) through (4) to provide definitions of the terms "license," "licensed professional," "licensee," and "licensing agency." Section 82001(l)(4) is amended to omit language that is not applicable to adult day programs.

Factual Basis:

These sections are necessary to provide definitions of these terms as they are used in adult day programs.

Section 82001(m)(1)

Specific Purpose:

This section is duplicated from 80001(m)(1) to provide a definition of the term "medical professional."

Factual Basis:

This section is necessary to provide the definition of this term as it is used in adult day programs. Section 82019(b) states that a medical professional, under certain conditions is exempt from submitting fingerprints for the purpose of a criminal record review. This definition is necessary so that it is clear that for the purposes of these regulations, a medical professional only applies to specific titles licensed in California.

Section 82001(m)(2)

Specific Purpose:

This section is duplicated from Section 80001(m)(2) to provide a definition of the term "mental disorder."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(n)(1) (Renumbered from Section 82501(n)(1))

Specific Purpose:

This section is renumbered from Section 82501(n)(1) and amended to provide a definition of the term "needs and services plan."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs. The cross reference amendment is made for clarity and consistency.

Sections 82001(n)(2) et seq.

Specific Purpose:

These sections are duplicated from Section 80001(n)(2) et seq. to provide the definition of the term "nonambulatory person."

Factual Basis:

These sections are necessary to provide the definition of this term as it is used in adult day programs.

Section 82001(n)(3)

Specific Purpose:

This section is duplicated from Section 80001(n)(3) to provide a definition of the term "nutritionist."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(p)(1) (Renumbered from Section 82501(p)(1))

Specific Purpose:

This section is renumbered from Section 82501(p)(1) to provide a definition of the term "participant." The section is amended for clarity as this definition is to be used in the adult day programs chapter.

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs. The amendments are necessary for clarity and to ensure that the definition is relevant to all adult day programs.

Section 82001(p)(2)

Specific Purpose:

This section is duplicated from Section 80001(p)(1) to provide a definition of the term "physician."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(p)(3) and Handbook

Specific Purpose:

These sections are duplicated from Section 80001(p)(2) and Handbook to provide a definition of the term "placement agency." Handbook Section 82001(p)(3)(A) is amended to correctly summarize the statute.

Factual Basis:

These sections are necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(p)(4)

Specific Purpose:

This section is duplicated from Section 80001(p)(3) to provide a definition of the term "PRN medication."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(p)(5)

Specific Purpose:

This section is duplicated from Section 80001(p)(4) to provide a definition of the terms "provision" or "provide."

Factual Basis:

These sections are necessary to provide a definition of these terms as they are used in adult day programs.

Section 82001(p)(6)

Specific Purpose:

This section is duplicated from Section 80001(p)(5) to provide a definition of the term "provisional license."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(r)(1)

Specific Purpose:

This section is duplicated from Section 80001(r)(1) to provide the definition of the term "rehabilitation."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs because the Department provides individuals without a criminal record clearance, who meet specific criteria, an opportunity to request an exemption so that they may be licensed, employed in, or present in a community care facility. One of the factors the Department considers when granting an exemption is whether or not the individual can demonstrate rehabilitation. Therefore, it is important to provide a definition for those who may be affected.

Section 82001(r)(2)

Specific Purpose:

This section is duplicated from Section 80001(r)(2) to provide a definition of the term "relative" with the addition of the terms "domestic partner" and "domestic partnership" as defined in Family Code Section 297.

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs and to include domestic partners as required by recent statutory changes to the Family Code.

Section 82001(r)(3)

Specific Purpose:

This section is duplicated from Section 80001(r)(3) to provide a definition of the term "responsible person."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(s)(1) and Handbook

Specific Purpose:

Section 82001(s)(1) is duplicated from Section 80001(s)(1) to provide a definition of the term "serious deficiency." Handbook Section 82001(s)(1)(A) is adopted to provide a cross reference for examples of violations which can result in serious deficiencies.

Factual Basis:

These sections are necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(s)(2) and Handbook

Specific Purpose:

Section 82001(s)(2) is duplicated from Section 80001(s)(2) to provide the definition of the term "simplified exemption." The Handbook is adopted to clarify the meaning of the term "simplified exemption."

Factual Basis:

These sections are necessary to define this term and clarify that a simplified exemption is an option available to and used by the Department, provided the individual meets specific criteria as specified in Health and Safety Code Section 1522(c)(4).

Section 82001(s)(3)

Specific Purpose:

This section is duplicated from Section 80001(s)(5) to provide a definition of the term "social worker."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(s)(4)

Specific Purpose:

This section is duplicated from Section 80001(s)(6) to provide a definition of the term "SSI/SSP."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(s)(5)

Specific Purpose:

This section is duplicated from Section 80001(s)(7) to provide a definition of the term "substantial compliance."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(s)(6)

Specific Purpose:

This section is duplicated from Section 80001(s)(8) to provide a definition of the term "substantiated complaint."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Sections 82001(u)(1) et seq.

Specific Purpose:

These sections are duplicated and amended from Sections 80001(u)(1) et seq. to provide a definition of the term "universal precautions" and to provide basic infection guidelines.

Factual Basis:

These sections are necessary to provide the definition of this term as it is used in adult day programs and to provide basic infection guidelines.

Section 82001(u)(2) et seq.

Specific Purpose:

This section is duplicated and amended from Section 80001(u)(2) et seq. to provide a definition of the term "Unlicensed Community Care Facility."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Sections 82001(u)(3) et seq.

Specific Purpose:

These sections are duplicated from Sections 80001(u)(2) et seq. (should be numbered 80001(u)(3) et seq. [corrected in this package]) to provide a definition of the term "urgent need." The word "facility" is amended to read "day program."

Factual Basis:

These sections are necessary to provide a definition of this term as it is used in adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82001(w)(1)

Specific Purpose:

This section is duplicated from Section 80001(w)(1) to provide a definition of the term "waiver." The word "facility" is amended to read "program."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. The amendment is necessary to ensure that the definition is relevant to all adult day programs.

Section 82003 et seq.

Specific Purpose/Factual Basis:

This section is adopted to incorporate by reference certain forms that are used in the Adult Day Programs regulations. These forms are not printed in the California Code of Regulations or CDSS' Manual of Policies and Procedures because it would be cumbersome and impractical. However, these forms are readily available from CDSS.

Section 82005 et seq.

Specific Purpose:

This section is duplicated from Section 80005 et seq. The word "facility" is amended to read "day program." The section is further amended to clarify the section number referred to, by adding the title of the section.

Factual Basis:

This section is necessary to clarify guidelines as to when a license is required for an adult day program. This section previously applied to adult day care facilities and adult day support centers and does not present any new or additional requirements. Additionally, the section is necessary to accommodate the consolidation of the adult day care facility/adult day support center and general licensing requirements regulations and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Sections 82006 et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80006 et seq. Throughout this section, the word "facility" is amended to read "day program" or "program operator." The words "of the Health and Safety Code" have been amended to read "Health and Safety Code" for consistency. Section 82006(b)(1) is amended to delete inapplicable language. Section 82006(d) is amended to add the title of the section referred to. Section 82006(e)(1) is amended for consistency with similar statements. Non-substantive changes to Sections 82006(c) and (f)(2) are made for clarity.

Factual Basis:

These sections are necessary to place regulations regarding unlicensed facilities into the category-specific adult day programs regulations and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. These sections previously applied to the adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82007 et. seq.

Specific Purpose:

These sections are duplicated from the applicable Sections 80007 et seq. Throughout this section the term "community care facility" is amended to read "adult day program," "facility" to read "day program," and "of the Health and Safety Code" to "Health and Safety Code" for consistency. Also the word "guardian" is omitted because it is not applicable to adults. Other nonsubstantive, clarifying changes are made to make the regulations fit better in this category-specific adult day programs regulations.

Factual Basis:

These sections are necessary to place regulations regarding exemption from licensure into the category-specific adult day programs regulations and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. These sections previously applied to the adult day care facilities and adult day support centers and do not add any new or additional requirements.

Section 82009 et seq.

Specific Purpose:

In these sections the word "facility" is amended to read "day programs."

Factual Basis:

This amendment is necessary to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82010

Specific Purpose:

The section title is amended to delete reference to ambulatory status to more accurately reflect the content of the section. This section is duplicated from Section 80010(a) and the words "facility" and "facilities" are amended to read "day program," or "building" depending on the context of the regulation.

Factual Basis:

This section is necessary to place regulations regarding limitations on capacity into the category-specific adult day programs regulations and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. This section previously applied to adult day care facilities and

adult day support centers and do not add any new or additional requirements. Ambulatory status is not applied to Adult Day Program pursuant to State Fire Marshal regulations.

Sections 82012 et seq.

Specific Purpose:

These sections are duplicated from Sections 80012 et seq. The word "facility" is amended to read "day program."

Factual Basis:

These sections are necessary to place regulations regarding the prohibition of any false or misleading statements or references made by the licensee, officer or employee of a licensee into the category-specific adult day programs regulations. The amendments are made to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Section 82017

Specific Purpose:

The section title is amended to read "Nondiscrimination of Applicants" to reflect the content of the regulation section. This section is duplicated from Section 80017, except the word "sex" is amended to read "gender."

Factual Basis:

This section is necessary to place regulations describing applicant qualifications into the category-specific adult day programs regulations. This section previously applied to the adult day care facilities and the adult day support centers and does not add any new or additional requirements. The word "sex" is replaced with "gender" for clarity.

Sections 82018 through 82018(d)(3)

Specific Purpose:

These sections are essentially duplicated from Sections 80018 through 80018(d)(3) and amended to add the term "limited liability company" in Section 82018(a). In Sections 82018 et seq. the words "facility type" and "facility" are amended to read "adult day program" and "day program." Section 82018(a) is amended to clarify that an application for licensure must be completed on the LIC 200. In Section 82018(b)(2) the phrase "specific type of facility" is omitted, the phrase "for a facility in the same category" is amended to read "to operate an adult day program" and "the same facility type" is amended to read "an

adult day program." The term "applicant/licensee" in Section 82018(c) is replaced with "applicant." Section 82018(d)(2)(C) is amended to correct a grammatical error.

Factual Basis:

These sections are necessary to place regulations regarding the licensing application process into the category-specific adult day programs regulations. The amendment to add "limited liability company" to Section 82018(a) is necessary because of the growing number of limited liability companies applying for community care licenses. The amendments are necessary to ensure that the sections are relevant to all adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Other amendments are made for clarity. These sections previously applied to the adult day care facilities and the adult day care support centers and do not add any new or additional requirements.

Sections 82018(d)(4) through (f)

Specific Purpose:

These sections are essentially duplicated from Sections 80018(d)(5) through (14) and (d)(16) through (f). In Section 82018(d)(6), the word "sex" is replaced with "gender" and the phrase "physically handicapped and/or ambulatory status" is replaced with "or physical handicaps." The term "limited liability company" is added to Section 82018(e)(2) and cross-references in Sections 82018(d)(12), (13), (14) and (15) are amended. Section 82018(d)(8) is amended to repeal the words "if applicable." Sections 82018(d)(10) and (10)(A) (Handbook) are amended for clarity. Sections 82018(d)(12), (13), and (16) are amended to add the titles of the sections referred to. Sections 82018(d)(17) and (A) Handbook are omitted for clarity. Section 82018(f) is amended for clarity.

Factual Basis:

These sections are necessary to place regulations regarding the licensing application process into the category-specific adult day programs regulations. The amendment to add the term "limited liability company" to Section 82018(e)(2) is necessary due to the increasing amount of limited liability companies applying for community care licenses. The amendments to Sections 82018(d)(5), (7), (11) and (f) are necessary to ensure that the sections are relevant to all adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. The amendments to Section 82018(e)(6) are necessary for clarity and for grammatical consistency. The amendments in Sections 82018(d)(12), (13), and (16) are also for clarity. Cross-references are amended for accuracy. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82019(a) et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80019(a) through Handbook. Section 82019(a) was amended to replace the term "facility" with "day program" or "program." The reference to Health and Safety Code Section 1522(b) is corrected to Sections 1522(a) and (b)(1).

Factual Basis:

These sections are necessary to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting 1502.2, effective January 1, 2003. The statutory reference was corrected for accuracy and clarity. These sections, and all other subsections of 82019, previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82019(b), (b)(1) and (b)(2) et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80019(b) through (b)(2). Section 82019(b) added "who are not licensees or employees of the licensee." Section 82019(b)(1) replaced "by the Department in regulations" with "in Section 82001(m)" and deletes the word "employed." Section 80019(b)(1)(D) was not duplicated.

Factual Basis:

These sections are necessary to place regulations regarding criminal record clearance into the category-specific adult day program regulations and to conform to corresponding statutory changes. Amendments are made for clarity and to omit duplicative language.

Sections 82019(b)(3) and (b)(4)

Specific Purpose:

These sections are essentially duplicated from Sections 80019(b)(3) and (b)(4). The phrase "of the facility" was omitted for clarification. The word "facility" was replaced by "day program" to conform to statutory changes. The word "resident" is replaced with the word "client" for clarification. Sections 80019(b)(3)(A) and (b)(4)(A) were not duplicated.

Factual Basis:

These sections are necessary to place regulations regarding criminal record clearance into the category-specific adult day program regulations and to conform to corresponding statutory changes. Amendments were made for clarity and to delete duplicative language.

Sections 82019(b)(5) et seq.

Specific Purpose:

These sections are essentially duplicated from Section 82019(b)(5) through (b)(5)(C). The word "facility" was replaced with "day program." In Section 82019(b)(5)(C), the word "once" was amended to read "four times" and the phrase "not to exceed two hours each time" was added.

Factual Basis:

These sections are necessary to place regulations regarding criminal record clearance into the category-specific adult day program regulations and to conform to corresponding statutory changes. Amendments are made for clarity. Specific time periods are amended to apply only to adult day programs.

Sections 82019(b)(6) et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80019(b)(7) through (b)(7)(B) and from (b)(7)(D)3. The words "in adult day care and adult support centers" and the word "facility" were replaced with "day program." The phrases "providing direct care and supervision" and "A client's relative or close friend who is visiting the client" were added. The language in 80019(b)(7)(C) was omitted.

Factual Basis:

These sections are necessary to place regulations regarding criminal record clearance into the category-specific adult day program regulations and to conform to corresponding statutory changes. Amendments are made for clarity and to delete duplicative language and language not applicable to adult day programs. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Section 82019(c)

Specific Purpose:

This section is essentially duplicated from Section 80019(c). The word "licensee" was amended to "license" to correct a typographical error. The phrase "and any adult other than a client resident in the facility" was omitted. The reference to Health and Safety Code 1522(a)(5) was corrected to 1522(a)(1).

Factual Basis:

These sections are necessary to place regulations regarding criminal record clearance into the category-specific adult day program regulations and to conform to corresponding statutory changes. Amendments are made for clarity and to delete language not applicable to adult day programs.

Sections 82019(d) et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80019(d) through (d)(2)(A). The phrase "community care facility" was replaced by "day program." The word residence was omitted. The phrase "with the following information" was added to allow subsections (d)(1) to be omitted and subsequent subsections were renumbered.

Factual Basis:

These sections are necessary to place regulations regarding criminal record clearance into the category-specific adult day program regulations and to conform to corresponding statutory changes. Amendments are made for clarity and to delete duplicative language.

Sections 82019(e) et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80019(e) through (e)(3). replacing the phrase "prior to working..." at the end of the sentence to the beginning. The word "facility" was replaced with "day program." In Section 80019(2)(2), the phrase "the licensee or applicant for a license to" was added following "Request."

Factual Basis:

These sections are necessary to place regulations regarding criminal record clearance into the category-specific adult day program regulations and to conform to corresponding statutory changes. Amendments are made for clarity.

Sections 82019(f) et seq.

Specific Purpose:

These sections are duplicated from 80019(f) et seq.

Factual Basis:

These sections are necessary to place regulations regarding criminal record clearance into the category-specific adult day program regulations.

Section 82019(g)

Specific Purpose:

This section is essentially duplicated from Section 80019(g) The word "shall" is amended to read "will." The phrase "of one Hundred dollars per violation by the Department" was amended to "as specified in Health and Safety Code Section 1522(c)(2)." Handbook is added to provide the pertinent part of that code section.

Factual Basis:

This section is necessary to place regulations regarding criminal record clearance into the category-specific adult day program regulations. Amendments are made for clarity and the statutory reference is added for accuracy.

Sections 82019(h) and (j)

Specific Purpose:

These sections were duplicated from Sections 80019(h) and (j).

Factual Basis:

These sections are necessary to place regulations regarding criminal record clearance into the category-specific adult day program regulations.

Sections 82019(i) et seq.

Specific Purpose:

These sections are essentially duplicated from Section 80019(i) The reference to Health and Safety Code 1522(b) was corrected to Sections 1522(a) and (b). The phrase "including spouses of the applicant, licensee, or employee" was added in Section (i)(4).

Factual Basis:

This section is necessary to place regulations regarding criminal record clearance into the category-specific adult day program regulations. The statutory reference is corrected for accuracy. The additional language is necessary for clarity.

Section 82019(k)

Specific Purpose:

This section is essentially duplicated from Section 80019(k) The title to the references section is added.

Factual Basis:

This section is necessary to place regulations regarding criminal record clearance into the category-specific adult day program regulations. The amendment is made for clarity.

Sections 82019(l) et seq.

Specific Purpose:

These sections are derived from Section 80019(l) and amended to conform to recent amendments in Section 80066(c) and proposed Section 82066(c).

Factual Basis:

These sections are necessary to clarify the licensing agency's authority to inspect records and remove them if necessary for copying, consistent with provisions regarding other personnel records in proposed Section 82066(c).

Section 80019(m)

Specific Purpose:

The specific purpose of this section is to allow the Department to seek verification on information received from sources other than the DOJ about an individual's criminal history.

Factual Basis:

Without the authority to verify the information about the individual's criminal history received from any member of the public or the affected individual, obtaining the information from the individual would be useless.

Section 80019(m)(1)

Specific Purpose:

The specific purpose of this section is to allow the Department to act on information received from sources other than the DOJ about an individual's criminal history.

Factual Basis:

Once the Department has verified the arrest, conviction, or parole or probation violation information and has obtained admissible evidence of the event the Department must be able to use this information in the same manner it uses criminal record information received from the DOJ. The Department must be able to act immediately to protect the health and

welfare of clients in care. Without the authority to use the admissible evidence of the event, obtaining the information would be useless.

Sections 82019.1(a) et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80019.1(a) through (a)(5). The language in 82019.1(a) was reworded moving the last phrase of the first sentence, "while the Department considers granting or denying an exemption," to the beginning of the sentence and replacing the phrase "any person" described in Sections 80019.1(a)(1) through (5) below" with "any of the following persons." The word "facility" was amended to read "day program." In Sections 820019.1(a)(1) through (a)(4), the term "Any person" is replaced with "a person."

Factual Basis:

These sections are necessary to place regulations regarding criminal record exemptions into the category-specific adult day programs regulations and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Amendments are necessary for clarity. These requirements previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82019.1(b) et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80019.1(b) through (b)(1). The term "facility" was replaced with "day program."

Factual Basis:

These sections are necessary to place regulations regarding criminal record exemptions into the category-specific adult day programs regulations and to conform to corresponding statutory changes. These requirements previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82019.1(c) et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80019.1(c) through (c)(4). The word "however" was added in Section 82019.1(c)(3). The term "facility" was replaced with "day program" in Section 82019.1(c)(4).

Factual Basis:

These sections are necessary to place regulations regarding criminal record exemptions into the category-specific adult day programs regulations and to conform to corresponding statutory changes. Amendments are necessary for clarity. These requirements previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82019.1(d) et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80019.1(d) through (d)(3); Section (d)(4) was not duplicated.

Factual Basis:

These sections are necessary to place regulations regarding criminal record exemptions into the category-specific adult day programs regulations. The language in Section 80019.1(d)(4) is omitted because it is duplicative of 820019.1(c)(3). These requirements previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82019.1(e) et seq.

Specific Purpose:

These sections are duplicated from Sections 80019.1(e) through (e)(9), except for (e)(8)(A)1. that refers to family homes not licensed as adult day programs.

Factual Basis:

These sections are necessary to place regulations regarding criminal record exemptions into the category-specific adult day programs regulations. The language in Section 80019.1(e)(8)(A)1. is omitted because it does not pertain to adult day programs. These requirements previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82019.1(f) through(m)(1)

Specific Purpose:

These sections are duplicated from Sections 80019.1(f) through (m). Handbook Section 82019.1(m)(1) added the word "essentially" for accuracy in summarizing Health and Safety Code Section 1522(g)(1).

Factual Basis:

These sections are necessary to place regulations regarding criminal record exemptions into the category-specific adult day programs regulations. These requirements previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements

Sections 82019.1(n) et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80019.1(n) through (n)(4). In Section 82019.1(n), the phrase "outlined in Sections 80019.1(n)(1) through (n)(4) below" was omitted and the word "following" was added to precede "criminal history profile."

Factual Basis:

These sections are necessary to place regulations regarding criminal record exemptions into the category-specific adult day programs regulations. Amendments are made for clarity. These requirements previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82019.1(o) through(p)(4)

Specific Purpose:

These sections are duplicated from Sections 80019.1(o) through (p)(4).

Factual Basis:

These sections are necessary to place regulations regarding criminal record exemptions into the category-specific adult day programs regulations. These requirements previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements

Sections 82019.1(q) et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80019.1(q) through (q)(4). In Section 82019.1(q)(2) the phrase "/or certified home" was omitted. In Section (q)(3), "above" was deleted and "Section 80019.1 et seq." was replaced with "Sections 82019.1(e) through (l)." In Section (q)(4), the term "facility" was replaced with "day program" and "Section 82019.1" was replaced with "Sections 82019.1(c)(4), (d)(1), and (e)."

Factual Basis:

These sections are necessary to place regulations regarding criminal record exemptions into the category-specific adult day programs regulations. Amendments were made for accuracy and clarity. These requirements previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements

Sections 82019.1(r) et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80019.1(r) through (r)(3). In Section 82019.1(r)(3) the phrases "/or certified home" and "or for Foster Family Homes, Small Family Homes and Certified Family Homes an LIC 508D (Rev. 1/03)" were omitted.

Factual Basis:

These sections are necessary to place regulations regarding criminal record exemptions into the category-specific adult day programs regulations. Amendments were made for clarity, to apply only to adult day programs. These requirements previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82020

Specific Purpose:

This section is duplicated from Sections 80020(a) and (a)(1). The term "facilities" was amended to read "day programs." Sections 80020(b) through (b)(2) were omitted.

Factual Basis:

These sections are necessary to place regulations regarding the requirements for fire clearances into the category-specific adult day programs regulations and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. These requirements previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements, whereas the requirements in Section 80020(b) through (b)(2) do not apply to non-residential fire clearances.

Sections 82021 et seq.

Specific Purpose:

These sections are duplicated from Sections 80021et seq. The section title was amended to delete the word "Clearance." In Section 82021(a) the term "community care facilities" was replaced with "adult day programs." Other amendments were made to correct clerical errors in Handbook.

Factual Basis:

These sections are necessary to place regulations regarding water supply into the category-specific adult day programs regulations. The title change is necessary to more accurately reflect the content of the regulation since no "clearance" is obtained. The amendment to Section 82021(a) is necessary to ensure that the section is relevant to adult day programs. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82022, (a), (b), (b)(3), (4) and (5), and (f) (Renumbered from Sections 82522, (a), (b), (b)(1), (2), and (3), and (c) respectively)

Specific Purpose:

Section 82022 is renumbered from Section 82522. Current language in renumbered Section 82022(a) is repealed and language similar to Section 80022(a) is adopted. Renumbered Section 82022(b) is amended to better mirror the language in Section 80022(b). Sections 82522(b)(1), (2), and (3) are renumbered to Sections 82022(b)(3), (4), and (5) and the word "participant" is changed to "client" for consistency. Section 82522(c) is renumbered to Section 82022(f) and amended to repeal the introductory sentence since that requirement is already included in renumbered Section 82022(a).

Factual Basis:

These amendments are done to ensure that the sections are relevant to the category-specific adult day programs. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82022(b)(1), (2), (6) through (16)(A), (c) through (e), and (g) and (h)

Specific Purpose:

These sections are essentially duplicated from Sections 80022(b)(1) through (11), (b)(13) through (14), and (d) through (h). Throughout the term "facility" has been replaced with "program" or "day program" and the term "participant" with the term "client" for consistency. Section 82022(b)(8) is amended to omit the words "if applicable" and Section 82022(b)(9) is amended to repeal the words "governing the specific facility category," since this will be a category-specific chapter. The phrase "In day programs providing meals to clients" was added in Section 82022(b)(12). In Section 82022(b)(14), the term "rate setting" was amended to read "fee" because adult day programs charge fees and do not use the term "rate setting." The cross-references in Section 82022(b)(15) and 82022(g) were amended to include the section titles referred to for clarity.

Factual Basis:

These sections are necessary to place regulations describing what material the facility plan of operation shall contain into the category-specific adult day programs regulations and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Amendments are for clarity. These requirements previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Section 82023 et seq.

Specific Purpose:

These sections are duplicated from Section 80023 et seq.. In Section 82023(d) and (d)(2), the word "facility" is amended to read "day program."

Factual Basis:

These sections are necessary to place regulations regarding the facility disaster and mass casualty plan into the category-specific adult day programs regulations and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. These requirements previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Section 82024 et seq.

Specific Purpose:

These sections are essentially duplicated from Section 80024 et seq. In Section 82024(b)(1), the word "facility" is amended to read "program." Handbook Section 80024(b)(3) was omitted as it is not applicable language. Section 82024(c)(2) was amended to replace "describing" with "needing." Section 82024(c)(2)(A) was amended to replace "to comply within the time specified in (2) above" with "to submit the requested information within the time specified." Section 82024(d) was amended to replace "receipt of an acceptable request" with "acceptance of a completed request."

Factual Basis:

These sections are necessary to place regulations regarding the requirements for waivers and exceptions into the category-specific adult day programs regulations and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Amendments are for clarity. These requirements previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82027 et seq.

Specific Purpose:

These sections are essentially duplicated and renumbered from Sections 80027 et seq. Throughout this section cross-references are amended where necessary, "facilities" and "facility/center" are replaced with "adult day program" or "day program." Section 82027(f) was amended to refer to the current name of fees. Some of the sections were renumbered, and grammatical changes were made, including in Section 82027(g)(3) and (4). Section 82027(g) renumbered from Handbook Section 80027(d) is being adopted as regulation to clarify that this section is not optional but required.

Factual Basis:

These sections are necessary to place regulations regarding initial application review into the category-specific adult day programs regulations and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Amendments are for clarification. These sections previously applied to the adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82028 et seq.

Specific Purpose:

These sections are duplicated from Sections 80028 et seq. Sections 80028(b)(3) and (4), (c) and (c)(1) are not duplicated because they are not applicable to "adult day programs." The word "facility" is amended to read "day program," grammatical and nonsubstantive clarifying changes are made.

Factual Basis:

These sections are necessary to place regulations regarding capacity determination into the category-specific adult day programs regulations and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82029 et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80029 et seq. Section 82029(a) was amended to combine Sections 80029(a) and (a)(1). Section 82029(a)(1) was amended from "The fee for processing the application shall be forfeited." to read "The fee shall be nonrefundable as specified in Section 82036(d)."

Factual Basis:

These sections are necessary to place regulations regarding the withdrawal of an application into the category-specific adult day programs regulations and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Amendments are for clarity. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82030 et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80030(a) through (f). Section 82030(a) was amended to add the title to the section numbers referred to and the phrase "on a completed application for an initial license," was omitted. Cross-references are amended where necessary. The word "facility" was replaced with "day program." In Section 82030(e), the word "case" was replaced with "matter."

Factual Basis:

These sections are necessary to place regulations regarding provisional licenses into the category-specific adult day programs regulations and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. The editorial amendments are made to ensure that the information applies to adult day programs. The cross-references are amended for accuracy. Other amendments are made for clarity and consistency. These sections previously applied to the adult day care facilities and adult day care centers and do not add any new or additional requirements.

Sections 82031 et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80031(a) through (b). Section 82031(a) was amended to refer to "the licensing agency's acceptance of the application and documents specified in Section 82027(a)(1)" instead of "the date that a completed application, as defined in Section 80001c.8, has been approved." Section 82031(a)(2)(A) was amended to add the title to the section number referred to. Cross-references were amended where necessary. Sections 80031(b)(1) through (d) were not duplicated because they are duplicative or do not apply to adult day programs.

Factual Basis:

These sections are necessary to place regulations regarding issuance terms of a license into the category-specific adult day programs regulations. The cross-references are amended for accuracy. Other amendments are made for clarity and consistency. These sections

previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Section 82034 et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80034(a) through (a)(2)(C) and (a)(4) through (b). Cross-references were amended where necessary and the word "facility" was amended to read "day program." Grammatical changes were made in Section 82034(b). Section 80034(a)(3) was not duplicated because it does not apply to adult day programs.

Factual Basis:

These sections are necessary to place regulations regarding the submission of a new application into the category-specific adult day programs regulations and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. The cross-references are amended for accuracy. Other amendments are made for clarity and consistency. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Section 82035 et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80035(a) through (d)(1). Section 82035(a) was restructured to read "A license shall be forfeited by operation of law pursuant to Section 1524..." in place of "Conditions for forfeiture... may be found in Section 1524...." The words "facility" and "community care facility" have been amended to read "day program" or "adult day program." Section 82035(e) was amended to read "Within 60 days after granting an Emergency Approval to Operate..." in place of "The Department shall make a decision within 60 days after the application is submitted...." Section 82035(e)(1) was amended to add the title to the section number referred to, and delete the reference to "(b) above."

Factual Basis:

These sections are necessary to place regulations regarding the conditions of forfeiture of a facility license. The amendments are necessary to ensure that the information is relevant to all adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.. Amendments are made for clarity and consistency. This information previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82036 et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80036(a) through (d). The title is amended to reflect current statutory language for fees. The sections duplicated are only those that apply to adult day programs. Sections 82036(b) through (d) were amended where necessary to conform to current fee statutes.

Factual Basis:

These sections are necessary to conform to Health and Safety Code Sections 1523.1(a)(1) and (b) which require the department to charge certain licensing fees. These fees previously applied to adult day programs and do not add any additional requirements.

Article 4 (Title)

Specific Purpose/Factual Basis:

This Article title is amended to read "Administrative Actions and Inspection Authority" to better reflect the regulations sections contained within the article.

Sections 82040 et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80040 et seq. and 80055.1(b)-(c). The sections duplicated are only those that apply to adult day programs and are amended where necessary for clarity. The word "facility" is amended to read "day program."

Factual Basis:

These sections are necessary to place regulations regarding the denial of an initial license into the category-specific adult day programs regulations and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. These sections previously applied to adult day care facilities and adult day care centers and do not add any new or additional requirements.

Section 82042 et seq.

Specific Purpose:

These sections are duplicated from Sections 80042 et seq. The sections duplicated are only those that apply to adult day programs and are amended where necessary for clarity. Unnecessary handbook sections are not duplicated.

Factual Basis:

These sections are necessary to place regulations regarding revocation or suspension of a license into the category-specific adult day programs regulations. These sections previously applied to adult day care facilities and adult day care centers and do not add any new or additional requirements.

Section 82044 et seq.

Specific Purpose:

These sections are duplicated from Sections 80044 et seq. and combined with Section 80045 et seq. The sections duplicated are only those that apply to adult day programs and are amended where necessary for clarity. Unnecessary handbook sections are not duplicated. The word "facility" is changed to "program or day program" to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Factual Basis:

These sections are necessary to place regulations regarding the licensing agency's inspection authority and evaluation visits into the category-specific adult day program regulations. The amendments are necessary to ensure that the sections are relevant to all adult day programs. These sections previously applied to adult day care facilities and adult day support centers and do not add any additional requirements.

Section 82046 et seq.

Specific Purpose:

This section is essentially duplicated from Section 80046 et seq. The sections duplicated are only those that apply to adult day programs and are amended where necessary for clarity. The word "facility" is changed to "adult day program" to conform to corresponding statutory changes. Unnecessary handbook sections are not duplicated.

Factual Basis:

This section is necessary to place into the category-specific adult day programs regulations the exclusion of individuals with certain violations from board membership of licensed facilities. This section previously applied to adult day care facilities and adult day support centers and does not add any new or additional requirements.

Article 5 (Title)

Specific Purpose/Factual Basis:

The article title is amended to read: "Enforcement Provisions" instead of "Civil Penalties" to better reflect the regulations contained within.

Sections 82051 et seq.

Specific Purpose:

These sections are duplicated from Handbook Sections 80051et seq.. Modifications are made to cross-references where appropriate, and to titles of sections referenced.

Factual Basis:

These sections which list examples of regulations that, if not complied with, nearly always result in serious deficiencies is necessary to be placed into the category-specific adult day programs chapter. This section previously applied to adult day care facilities and adult day support centers and does not add any new or additional requirements.

Section 82052 et seq.

Specific Purpose:

These sections are essentially duplicated from Section 80052 et seq. and subsection (e) is duplicated from Section 80043(a) Handbook and incorporates in regulations the right of a licensee/applicant to complain to the Department or licensing agency regarding the application or enforcement of these regulations. The word "facility" is replaced with "day program" to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Cross-references are amended where necessary. Nonsubstantive amendments are made to some of the sections for clarity.

Factual Basis:

These sections are necessary to place regulations regarding deficiencies in compliance into the category-specific adult day programs regulations. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements. The amendments were made to ensure that the sections are relevant to all adult day programs.

Sections 82053 et seq.

Specific Purpose:

These sections are duplicated from Sections 80053 et seq. Cross references are amended for clarity.

Factual Basis:

These sections are necessary to place regulations regarding follow-up visits to determine compliance into the category-specific adult day programs regulations. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Section 82054 et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80054 et seq. Section 82054(a) is reformatted for clarity. Cross-references are amended where appropriate. "Facility" is replaced with "day program." to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Sections 82054(d), (e), (g) and (i) are amended for clarity.

Factual Basis:

These sections are necessary to place regulations regarding penalties into the category-specific adult day programs regulations. The amendments are made to ensure that the sections are relevant to all adult day programs and the people they serve. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82055 et seq.

Specific Purpose:

These sections are duplicated from Sections 80055 et seq. Sections 82055(a) and (b) are amended for clarity.

Factual Basis:

These sections are necessary to place regulations regarding administrative review into the category-specific adult day programs regulations. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82055.1 et seq.

Specific Purpose:

These sections are duplicated from Sections 80055.1(a) and (a)(1). The title is amended to read "Responsibility for Civil Penalties" to better reflect the regulations contained within this section.

Factual Basis:

These sections are necessary to place regulations regarding denial or revocation of license for failure to pay civil penalties into the category-specific adult day programs regulations. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Section 82056

Specific Purpose:

This section is duplicated from Section 80056.

Factual Basis:

This section is necessary to place regulations regarding exemption from civil penalties into the category-specific adult day programs regulations. This section previously applied to adult day care facilities and adult day support centers and does not add any new or additional requirements.

Sections 82058 et seq.

Specific Purpose:

These sections are duplicated from Sections 80058 et seq. "Facility" is replaced with "day program" to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Section 82058(f) is added to clarify that payment of civil penalties or submission of application does not permit continued unlicensed operation. Cross references are amended where necessary. Nonsubstantive amendments are made for clarity.

Factual Basis:

These sections are necessary to place regulations regarding unlicensed facility penalties into the category-specific adult day programs regulations. The amendments are necessary to ensure that these sections are relevant to all adult day programs. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82059 et seq.

Specific Purpose:

These sections are duplicated from Sections 80059 et seq. and amended to replace the words "facility" with "day program" to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. In Section 82059(a), the words "or his/her representative" are repealed for clarity.

Factual Basis:

These sections are necessary to place regulations regarding unlicensed day program administrative appeal rights into the category-specific adult day programs regulations. The amendments are made to ensure that the sections are relevant to all adult day programs. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Section 82061 (Title)

Specific Purpose/Factual Basis:

This section title is amended from "Reports" to "Reporting Requirements" for consistency with other facility types.

Section 82061(a)

Specific Purpose:

This section is essentially duplicated from Section 80061(a). Nonsubstantive amendments in subsections (a) and (b) are made for clarity.

Factual Basis:

This section is necessary to place regulations informing licensees of the need to furnish specified reports to the department. This section previously applied to adult day care facilities and adult day support centers and does not add any new or additional requirements.

Section 82061(b)

Specific Purpose:

This section is amended to change "facility/center" to "day program" to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003 and to require that a written report be submitted to the licensing agency within seven days of the occurrence of the event.

Factual Basis:

These amendments are necessary for clarity and consistency with other facility types and to ensure that the section applies to all adult day programs.

Sections 82061(b)(1) through (c)(4)

Specific Purpose:

These sections are amended and/or essentially duplicated from Sections 80061(b)(1) through (c)(4). In Section 82061(b)(1), the phrase ", but not be limited to" is adopted for clarity. In Section 82061(b)(2)(A), the word "sex" is replaced with "gender" for clarity. In Section 82061(c)(3)(B), the cross reference is amended for accuracy.

Factual Basis:

These sections are necessary to place regulations regarding reportable incidents into the category-specific adult day programs regulations. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82061(d) through (e)(2)

Specific Purpose:

These sections are amended and/or duplicated from Sections 80061(e) through (f)(1). Sections 82061(d) and (e) are amended for clarity. Handbook Section 82061(e)(1) is amended to reflect the current language of Title 17, California Code of Regulations, Section 2500.

Factual Basis:

These sections are necessary to place regulations regarding reporting requirements into the category-specific adult day programs regulations. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Section 82061(f)

Specific Purpose:

This section is essentially duplicated from Sections 80061(g). Section 82061(f) is amended for clarity and the cross-reference is amended for accuracy.

Factual Basis:

This section is necessary to place regulations regarding reporting requirements into the category-specific adult day programs regulations. This section previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Section 82062 et seq.

Specific Purpose:

These sections are duplicated from Sections 80062(a)(1) - (3)(B). The purpose of Sections 82062(a)(3)(C) - (C)2. is to adopt language concerning the licensing agency's authority to remove information if necessary for copying, and to stipulate that removal of records is subject to the requirements in the succeeding sections. Amendments are made for clarity where necessary.

Factual Basis:

These sections are necessary to place regulations regarding the licensee's finances into the category-specific adult day programs regulations. These sections previously applied to adult day care facilities and adult day support centers. Sections 82062(a)(3)(C) - (C)2. are added to conform to language recently amended in Sections 80066(c) and 80070(d).

Section 82063 et seq.

Specific Purpose:

These sections are duplicated from Sections 80063 et seq. and amended to replace the word "facility" with "day program" to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Factual Basis:

These sections are necessary to place regulations regarding the licensee's accountability into the category-specific adult day programs regulations. The amendment is necessary to ensure that the sections are relevant to all adult day programs. These sections previously applied to adult day care facilities and adult day support centers and they do not add any new or additional requirements.

Section 82064 et seq.

Specific Purpose:

These sections are amended to include all the necessary qualifications and duties of an administrator of an adult day program. Sections are renumbered from other sections,

duplicated from Sections 80064 et seq., and repealed where necessary. Handbook Section 82564(b)(16)(A) and (B) are incorporated into these regulations. These sections are amended where necessary and cross references are updated for clarity and consistency within this chapter and to conform to statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Factual Basis:

These sections are necessary to place regulations regarding administrator qualifications and duties into the category-specific adult day programs regulations. The amendments are necessary to ensure that the requirements are relevant to all adult day programs. These sections previously applied to adult day care facilities and adult day support centers and they do not add any new or additional requirements.

Sections 82065 et seq.

Specific Purpose:

These sections are amended to include all the necessary personnel requirements for an adult day program. Sections are renumbered from other sections, duplicated from Sections 80065 et seq., and repealed where necessary. These sections are amended where necessary and cross references are updated for clarity and consistency within this chapter and to conform to statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Factual Basis:

These sections are necessary to place regulations regarding personnel requirements into the category-specific adult day programs regulations. The amendments are necessary to ensure that the requirements are relevant to all adult day programs. These sections previously applied to adult day care facilities and adult day support centers and they do not add any new or additional requirements.

Section 82065.1 et seq.

Specific Purpose:

Section 82065.1(a) is adopted to introduce requirements that apply to all adult day program staff. Sections 82065.1(a)(1) and (a)(2) are renumbered from Sections 82065.1(b) and (b)(1) and amended for clarity. Sections 82065.1(b) through (b)(4) are renumbered from Sections 82065.1(a) through (a)(4) and amended for clarity. Section 82065.1(b)(5) is adopted to include "administrative support" as part of the support staff duties. Section 82065.1(c) is renumbered from 82565.1(c)(3)(A) and amendments are made for clarity. Section 82065.1(d) is renumbered from Section 82565.1(a), and Section (d)(1) is adopted to require direct care staff to receive a minimum of 8 hours of training a year.

Factual Basis:

These sections are necessary to describe the personnel qualifications and duties in the category-specific adult day programs regulations. Amendments are editorial only and impose no additional or new requirements on adult day programs.

Sections 82065.5 et seq.

Specific Purpose:

Section 82065.5(a) is repealed for clarity and consistency. Section 82065.5(a) et seq. is renumbered from Section 82065.5(b) et seq. Section 82065.5(b) et seq. is renumbered from Sections 82565.5(a) and (c) and amended to delete unnecessary language, change the word "participant" to "client," and update the cross reference.

Factual Basis:

These sections are necessary to describe the staff ratio requirements in adult day programs regulations. These requirements previously applied to adult day support and/or adult day care facilities and impose no additional or new requirements on adult day programs. Amendments are editorial.

Sections 82066 et seq.

Specific Purpose:

These sections are duplicated from Sections 80066 et seq. Amendments are made were necessary and cross references are updated for clarity and to conform to statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Factual Basis:

These sections are necessary to include the personnel records requirements in the category-specific adult day programs regulations. These requirements previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements. The amendments are necessary for clarity and consistency.

Sections 82068 et seq.

Specific Purpose:

These sections are duplicated from Section 80068 et seq. Section 80068(b) is not duplicated because it pertains to residential care facilities and not adult day programs. Amendments are made where necessary for clarity and consistency.

Factual Basis:

These sections are necessary to include the requirements of admission agreements in the category-specific adult day programs regulations. These requirements previously applied to adult day care facilities and adult day support centers. The amendments are editorial to ensure clarity and continuity.

Sections 82068.2 et seq.

Specific Purpose:

These sections are amended to include all the necessary components of a needs and services plan for an adult day program. Sections are renumbered from other sections, duplicated from Sections 80068.2 et seq., and repealed where necessary. These sections are amended where necessary and cross references are updated for clarity and consistency within this chapter and to conform to statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Factual Basis:

These sections are necessary to place regulations regarding the needs and services plan into the category-specific adult day programs regulations. The amendments are necessary to ensure that the requirements are relevant to all adult day programs. These sections previously applied to adult day care facilities and adult day support centers and they do not add any new or additional requirements.

Sections 82068.3 et seq.

Specific Purpose:

Section 82068.3(a) is amended for clarity. Section 82068.3(a)(1) is renumbered from Section 82568.3(b) and amended for clarity. Section 82068.3(a)(2) is adopted for clarity. Section 82068.3(b) is duplicated from Section 80068.3(b) and amended for clarity.

Factual Basis:

These sections are necessary to describe the adult day program requirements for modifications to the Needs and Services Plan in the category-specific adult day programs regulations. The amendments made are for clarity. These sections previously applied to adult day care facilities and adult day support centers and they do not add any new or additional requirements.

Sections 82068.5 et seq.

Specific Purpose:

These sections are renumbered from Section 82568.5. Amendments are made where necessary for clarity and to conform to statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Factual Basis:

These sections are necessary to include the procedures for discharge from an adult day program in the category-specific adult day program regulations. This section previously applied to adult day support centers, and imposes no additional or new requirements on adult day programs.

Sections 82069 et seq.

Specific Purpose:

These sections are duplicated from Sections 80069 et seq. Sections 80069(b) et seq. and (d) et seq. are not duplicated because they do not apply to adult day programs. Amendments are made for clarity and cross-references are updated.

Factual Basis:

These sections are necessary to include the requirements of a client medical assessment in the category-specific adult day programs regulations. These sections previously applied to adult day care facilities and adult day support centers and impose no additional or new requirements on adult day programs. The amendments are made for clarity and consistency.

Sections 82070 et seq.

Specific Purpose:

These sections are renumbered from Sections 82570 et seq. and duplicated from Sections 80070 et seq. Amendments are made where necessary and cross references are updated for clarity and to conform to statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Factual Basis:

These sections are necessary to place regulations regarding client's records into the category-specific adult day programs regulations. These sections previously applied to adult day support centers and do not add any new requirements. The amendments are editorial.

Section 82071 et seq.

Specific Purpose:

These sections are duplicated Sections 80071 et seq. Amendments are made and cross reference are updated where necessary for clarity and to conform to statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Factual Basis:

These sections are necessary to place regulations regarding the register of clients into the category-specific adult day programs regulations. These sections previously applied to adult day care facilities and adult day support centers, and do not add any new requirements. The amendments are made for clarity and consistency.

Section 82072 et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80072 et seq. Amendments are made and cross references are updated where necessary for clarity and to conform to statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Amendments are also made to conform to those in regulation package ORD #1104-07 (Adult Residential Facilities Waiver and Exception). The public hearing for this package was May 18, 2005 [Z-05-0322-01], and it is expected it will be completed before the Adult Day Program regulations are completed.

Factual Basis:

These sections are necessary to place regulations regarding personal rights into the category-specific adult day programs regulations. These sections previously applied to adult day care facilities and adult day support centers and do not add any new requirements. The amendments are made for clarity and consistency.

Section 82073

Specific Purpose:

This section is duplicated from Section 80073. The word "facilities" is amended to "day program" to conform to statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Factual Basis:

This section is necessary to place regulations regarding telephone service into the category-specific adult day programs regulations. This section previously applied to adult day care facilities and adult day support centers and does not add any new requirements.

Section 82074 et seq.

Specific Purpose:

These sections are duplicated from Section 80074 et seq.

Factual Basis:

These sections are necessary to place regulations regarding transportation into the category-specific adult day programs regulations. These sections previously applied to adult day care facilities and adult day support centers and do not add any new requirements.

Sections 82075 et seq.

Specific Purpose:

Sections 82075(a)-(h) and (j)-(m) are essentially duplicated from Section 80075 et seq. Section 82075(b) is renumbered to (i) and Section 82575(b) is renumbered to 82075(n). Amendments are made and cross references updated where necessary for clarity and consistency and to conform to statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Factual Basis:

These sections are necessary to place regulations regarding health-related services into the category specific adult day programs regulations. These sections previously applied to adult day care facilities and adult day support centers and do not add any new requirements.

Section 82075.1

Specific Purpose:

This section is amended to add the word "daily" after the word "ensure," and "in the day program" after the word "accepted." These amendments are made to conform to statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Factual Basis:

These amendments are necessary for clarity and continuity. The amendments do not add any new or additional requirements.

Sections 82075.2 et seq.

Specific Purpose/Factual Basis:

These sections are amended to replace the term "facility" with "day program" or "program site" to conform to statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82076 et seq.

Specific Purpose:

These sections are essentially duplicated from Section 80076 et seq. Section 82076(a)(1) is amended for clarity and to add the USDA reference in Handbook Section 82076(a)(1)(A). Sections 80076(a)(2) and (a)(2)(A) do not apply to adult day programs. Current Sections 82076(b) through (e)(1) are renumbered to Sections 82076(c) through (f)(1) respectively. Amendments are made to replace the term "facilities or facility" for "day programs or day program" to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Cross references are updated.

Factual Basis:

These sections are necessary to place regulations regarding food service into the category specific adult day programs regulations. These sections previously applied to adult day care facilities and adult day support centers and do not add any new requirements.

Section 82077 et seq.

Specific Purpose:

Sections 82077(a) and (b) are numbered from Sections 82577(c) and (d). The term "participants" is amended to read "clients" and the term "center" is amended to read "adult day program" to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Sections 82577(a), (b) et seq., (e) and (f) are repealed because they are duplicative.

Factual Basis:

These sections are necessary to place regulations describing personal services required by adult day support centers into the category-specific adult day programs regulations. The amendments are editorial only and place no additional or new requirements on adult day programs.

Sections 82077.2 et seq.

Specific Purpose:

These sections are duplicated from Sections 80077.2 et seq. Section 80072(b)(2)(H) is not duplicated because it does not apply to adult day programs. Amendments are made to replace the term "facility" for "program" to conform to statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Other clarifying nonsubstantive amendments are made as well as cross references are updated.

Factual Basis:

These sections are necessary to place regulations describing care of clients who rely upon others to perform all activities of daily living into the category-specific adult day programs regulations. The amendments are editorial only and place no additional or new requirements on adult day programs.

Sections 82077.4 et seq.

Specific Purpose:

These sections are duplicated from Section 80077.4 et seq. Sections 82588(d)(1), (e), and (f) are renumbered to Sections 82077.4(b)(11), (12), and (13) respectively. Amendments are made to replace the term "facility" for "day program or program" to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Other nonsubstantive amendments are made for clarity.

Factual Basis:

These sections are necessary to place regulations regarding care for clients with incontinence into the category-specific adult day programs regulations. These sections previously applied to adult day care facilities and adult day support centers, and impose no additional or new requirements on adult day programs. The amendments are only editorial.

Section 82077.5 et seq.

Specific Purpose:

These sections are duplicated from Sections 80077.5 et seq. Section 80075.5(c) is not duplicated because it does not apply to adult day programs. Amendments are made to replace the term "facility" for "program" to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Other nonsubstantive amendments are made for clarity.

Factual Basis:

These sections are necessary to place regulations regarding care for clients with contractures into the category-specific adult day programs regulations. These sections previously applied to adult day care facilities and adult day support centers and impose no additional or new requirements on adult day programs. The amendments are only editorial.

Section 82078 et seq.

Specific Purpose:

Section 82078(a) is repealed and Section 82078(a)(1) is renumbered to (a).

Factual Basis:

This section is necessary to describe the responsibility for providing care and supervision in adult day programs.

Sections 82079 et seq.

Specific Purpose:

Sections 82088(e) et seq., 82579(a), (a)(1), (a)(2), and (b) are renumbered to Sections 82079(b) et seq., (e), (e)(1), (e)(2), and (e)(3) respectively. Throughout the section amendments are made for clarity and cross references are updated. Section 82079(e)(4) is adopted to clarify that the licensee is to have a schedule of activities for a client available upon request.

Factual Basis:

These sections are necessary to place regulations regarding planned activities into the category-specific adult day programs regulations. These sections previously applied to adult day care facilities and/or adult day support centers. The amendments are only editorial and impose no new or additional requirements on adult day programs.

Sections 82086 et seq.

Specific Purpose:

These sections are duplicated from Section 80086 et seq. Handbook Section 80086(c) is incorporated in proposed Section 82086(c) with the term "facilities" changed to "program sites."

Factual Basis:

These sections are necessary to place regulations regarding alterations to building or new facilities into the category-specific adult day programs regulations. These sections

previously applied to adult day care facilities and adult day support centers and impose no additional or new requirements on adult day programs.

Sections 82087 et seq.

Specific Purpose:

Sections 82087(a) through (g) are duplicated and amended for clarity from Sections 80087(a) through (h), with Section 82087(f)(1) amended and other cross references updated. The term "facility or facilities" is amended to read "program site" or "program" to conform to statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2 effective January 1, 2003. Current Sections 82087(b) and (c) and Section 82587(e) are renumbered to Sections 82087(h), (i), and (j) respectively, with nonsubstantive amendments in Sections 82087(h) and (j).

Factual Basis:

These sections are necessary to place regulations regarding buildings and grounds into the category-specific adult day programs regulations. Amendments were made for clarity and consistency. These sections previously applied to adult day care facilities and adult day support centers, and do not impose any additional or new requirements.

Sections 82087.2 et seq.

Specific Purpose:

Current Sections 82587.2 et seq. are renumbered to Sections 82087.2 et seq. In Section 82087(a)(3), the term "participants" is amended to read "clients" for consistency. Current Sections 82087.2 et seq. are deleted as duplicative.

Factual Basis:

These sections are necessary to place regulations regarding outdoor activity space into the category-specific adult day programs regulations. Renumbering of Section 82587.2 and repeal of current Sections 82087.2 et seq. is necessary because not all adult day programs must provide outdoor activity space. These sections previously applied to adult day support centers and do not impose any additional or new requirements.

Section 82087.3 et seq.

Specific Purpose:

Current Section 82087.3 et seq. is repealed and current Section 82587.3 et seq. is renumbered to 82087.3 et seq. The term "participants" is amended to read "clients" for consistency. Handbook Section 82587.3(b)(1) is incorporated in regulation Section 82087.3(b)(1), replacing the word "areas" with "place."

Factual Basis:

These sections previously applied to adult day programs and provide the requirements of indoor activity space. Amendments are made for clarity and consistency. No additional or new requirements result from these amendments.

Section 82087.4(d) - (e)

Specific Purpose/Factual Basis:

The term "facility" is amended to read "program" to conform to corresponding statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2 effective January 1, 2003. In Section 82087.4(d), the words "this chapter and Chapter 1" are replaced with specific section numbers and titles for clarity. In Section 82087.2(e), Handbook section (e) is incorporated for clarity.

Sections 82087.5 et seq.

Specific Purpose:

Sections 82087.5 et seq. are adapted from Sections 87724(i), and specified for adult day programs pursuant to Health and Safety Code Section 1531.2.

Factual Basis:

These sections are necessary to provide requirements for adult day program licensees who opt to use delayed egress devices on exterior doors or perimeter fence gates to provide care for persons with dementia.

Sections 82088 et seq.

Specific Purpose:

Sections 82088(a) through (g) are duplicated from Sections 80088(a) through (g) except 80088(a)(2). Current Sections 82088(b) through (d) are renumbered to Sections 82088(h) through (i) respectively. The term "facility" or "facilities" is replaced with "day program" or "day programs" to conform to statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2 effective January 1, 2003. Also, in renumbered Section 82088(h)(1), the effective date of the chapter is spelled out.

Factual Basis:

These sections are necessary to describe the requirements for fixtures, furniture, equipment, and supplies in the category-specific adult day programs regulations. Section 80088(a)(2) is not duplicated because thermostats may be controlled by building management and it would be cumbersome to permit each client in a non-residential setting to adjust temperature controls. Editorial and nonsubstantive amendments are made for clarity and

consistency. These requirements previously applied to adult day care facilities and adult day support centers and add no additional or new requirements to the regulations.

Section 82088.2 et seq.

Specific Purpose:

Current Section 82088.2(a) is repealed and current Sections 82588.2(a) - (a)(3) are renumbered to Sections 82088.2 et seq. The word "participants" is replaced with "clients" in Section 82088.2(a)(1). Handbook Sections 82588.2(a)(2) et seq. are incorporated in Sections 82088.2(a)(2) et seq. In Section 82088.2(a)(3), the term "potable as defined in California Administrative Code, Title 24, Part 5" is replaced with "safe for human consumption" and Handbook Section 82588.2(a)(3)(A) is omitted.

Factual Basis:

These requirements previously applied to adult day support centers and add no additional or new requirements to the adult day program regulations. Amendments are editorial and made for clarity and consistency.

Article 8

Specific Purpose/Factual Basis:

This article is adopted to include within the sections that follow.

Sections 82091 et seq.

Specific Purpose:

Sections 82091(a) - (a)(5) are duplicated from Sections 80091 et seq. Amendments were made in Section 82091(a) to delete reference to "adult CCFs" as adult day programs are a category of adult community care facility.

Factual Basis:

These sections are necessary to place regulations regarding prohibited health conditions into the category-specific adult day programs regulations. Amendments were made for clarity. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Section 82092 et seq.

Specific Purpose:

These sections, except for Handbook, are duplicated from Section 80092 et seq.

Factual Basis:

These sections are necessary to place regulations regarding restricted health conditions into the category-specific adult day programs regulations. Handbook is not duplicated as it is unnecessary. The amendments are necessary to ensure that the section is relevant to all adult day programs. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements. Amendments are only editorial.

Sections 82092.1 et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80092.1(a) - (l) and (n) - (r)(1). Sections 82092.1(a)(1) through (a)(15) are renumbered and reformatted for grammatical consistency. The word "facility" is deleted or amended to read "program" to conform to statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2 effective January 1, 2003. Cross references are updated.

Factual Basis:

These sections are necessary to place regulations regarding general requirements for restricted health conditions into the category-specific adult day programs regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. Sections 80092.1(m) - (m)(1) and (r)(2) are not duplicated because they do not apply to adult day programs. Amendments are only editorial and made for clarity and consistency. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82092.2 et seq.

Specific Purpose:

These sections are duplicated from Sections 80092.2 et seq. Amendments are made to replace the term "facility" with "program" to conform to statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. References to "an ARF or SRF" are deleted and cross references are updated.

Factual Basis:

These sections are necessary to place regulations regarding restricted health conditions care plan into the category-specific adult day programs regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. Editorial amendments were made for clarity and consistency. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Section 82092.3 et seq.

Specific Purpose:

These sections are duplicated from Section 80092.3 et seq. Amendments are made for clarity and consistency including the replacing the term "facility" for "program or day program" to conform to statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. References to an "adult CCF" are deleted and cross references are updated.

Factual Basis:

These sections are necessary to place regulations regarding inhalation-assistive devices into the category-specific adult day programs regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. Editorial amendments were made for clarity. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82092.4 et seq.

Specific Purpose:

These sections are duplicated from Sections 80092.4 et seq. The term "facility" is replaced with "program" to conform to statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. References to an "adult CCF" are deleted and cross references are updated. The word "client" is added before "privacy" in Section 82092.4(a)(7).

Factual Basis:

These sections are necessary to place regulations regarding colostomy/ileostomy into the category-specific adult day programs regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. Editorial amendments were made for clarity and consistency. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82092.5 et seq.

Specific Purpose:

These sections are duplicated from Sections 80092.5 et seq. The word "client" is added before "privacy" in Section 82092.5(a)(5). A cross reference is updated.

Factual Basis:

These sections are necessary to place regulations regarding fecal impaction removal procedures into the category-specific adult day programs regulations. The amendments are

necessary to ensure that the section is relevant to all adult day programs. Editorial amendments were made for clarity and consistency. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82092.6 et seq.

Specific Purpose:

These sections are duplicated from Sections 80092.6 et seq. References to an "adult CCF" are deleted and cross references are updated.

Factual Basis:

These sections are necessary to place regulations regarding indwelling urinary catheter procedures into the category-specific adult day programs regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. Editorial amendments were made for clarity and consistency. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82092.7 et seq.

Specific Purpose:

These sections are duplicated from Sections 80092.7 et seq. The term "facility" with "program" to conform to statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. References to an "adult CCF" are deleted and cross references are updated.

Factual Basis:

These sections are necessary to place regulations regarding staph or other serious communicable infections procedures into the category-specific adult day programs regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. Editorial amendments were made for clarity and consistency. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82092.8 et seq.

Specific Purpose:

The title and sections are essentially duplicated from Sections 80092.8 et seq. Reference in the title and Section 82098.8(a) to "Insulin Dependent" is deleted to more clearly encompass the conditions for other types of diabetes. In Section 82098.8(a)(2), the term "if applicable" was added to "glucose testing." Handbook Section 80092.8(a)(5)(A)4. is not

duplicated as it is a non-existent reference. The term "facility" is replaced with "program" to conform to statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. References to an "adult CCF" are deleted and cross references are updated.

Factual Basis:

These sections are necessary to place regulations regarding insulin-dependent diabetes into the category-specific adult day programs regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. Amendments are made for clarity and consistency. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82092.9 et seq.

Specific Purpose:

These sections are duplicated from Sections 80092.9 et seq. The term "facility" is replaced with "program" to conform to statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Cross references are updated.

Factual Basis:

These sections are necessary to place regulations regarding wounds into the category-specific adult day programs. The amendments are necessary to ensure that the section is relevant to all adult day programs. Editorial amendments were made for clarity and consistency. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82092.10 et seq.

Specific Purpose:

These sections are duplicated from Sections 80092.10 et seq. The term "facility" is replaced with "program" to conform to statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Cross references are updated.

Factual Basis:

These sections are necessary to place regulations regarding gastrostomy feeding, hydration, and care procedures into the category-specific adult day programs. The amendments are necessary to ensure that the section is relevant to all adult day programs. Editorial amendments are made for clarity and consistency. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82092.11 et seq.

Specific Purpose:

These sections are duplicated from Sections 80092.11 et seq. The term "facility" is replaced with "program" to conform to statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Cross references are updated.

Factual Basis:

These sections are necessary to place regulations regarding tracheostomies into the category-specific adult day programs regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. Editorial amendments are made for clarity and consistency. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82093 et seq.

Specific Purpose:

These sections are duplicated from Sections 80093(a) - (b) and (d). Section 80093(c) is not duplicated. The term "facility" is replaced with "day program" to conform to statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Cross references are updated.

Factual Basis:

These sections are necessary to place regulations regarding departmental review of health-related conditions into the category-specific adult day programs regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. Relocation orders referenced in Section 80093(c) do not apply to adult day programs. Editorial amendments were made for clarity and consistency. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Chapter 3.5, Article 1, Sections 82500 et seq., and 82501 et seq., Articles 2, 3, 4, 5, and 6, Sections 82564 et seq., 82565 et seq., 82565.1 et seq., 82565.5 et seq., 82568.2 et seq., 82568.3 et seq., 82575 et seq., 82575.1 et seq., 82576 et seq., and 82579 et seq., Article 7, Sections 82587 et seq., 82587.2, 82587.3, 82587.4 et seq., 82588 et seq., and 82588.2.

Specific Purpose/Factual Basis:

This Chapter, Articles, and Sections are repealed because Health and Safety Code Section 1530.1(a) provides for the consolidation of CCR, Title 22, Division 6, Chapters 3 and 3.5, "Adult Day Care Facilities" and "Adult Day Support Centers," respectively, into one

category, "Adult Day Programs;" therefore these Chapter, Articles, and Sections are unnecessary and/or duplicative.

Chapter 1 (General Licensing Requirements), Sections 80000(a); 80001 introductory paragraph, (a), (s) (Handbook), and (u); 80019(b); 80036(a) (Handbook); 80075(b)(1); 80077.2(b)(2)(G); 80087(d) through (j); and 80092.9(a)(3)

Specific Purpose/Factual Basis:

These sections are amended to repeal references to Chapters 3 and 3.5, "Adult Day Care Facilities" and "Adult Day Support Centers," respectively; this is necessary because these two chapters are being combined into a stand-alone chapter, "Adult Day Programs," in this regulations package and therefore the new chapter will not be ruled by Chapter 1. Section 80000(u)(2) is renumbered to 80000(u)(3) to correct a numbering error since there are two Sections numbered 80000(u)(2).

Section 80011(a)

Specific Purpose:

This section is amended to delete the references to both "Adult Day Care Facilities" and "Social Day Care Facilities" and replace them with the term "non-residential facilities."

Factual Basis:

These amendments are necessary because neither of those licensing categories continue to exist in Health and Safety Code Section 1502. The term "Adult Day Care Facilities" was replaced with "Adult Day Programs" that will be governed by its own stand-alone chapter of regulations. Pursuant to Health and Safety Code Section 1514, the requirement for a license number in advertisements applies only to residential care facilities.

Section 80068.5

Specific Purpose:

This section is amended to delete the reference to "ADCFs and ADSCs" and to add the word "facilities" following the term "children's residential."

Factual Basis:

These amendments are necessary because "ADCFs and ADSCs" are now termed "Adult Day Programs" that will be governed by its own stand-alone chapter of regulations. The addition of the word "facilities" is needed for clarity.

Section 80092.8 et seq.

Specific Purpose:

Reference in the title and in Section 80092.8(a) to "Insulin Dependent" is deleted to more clearly encompass the conditions for other types of diabetes. In Section 80092.8(a)(2), the term "if applicable" was added to "glucose testing" and the phrase "administering his/her own medication" was placed ahead of "performing his/her own glucose testing" instead of being placed afterwards. Handbook Section 80092.8(a)(5)(A)4. is deleted as it is a non-existent reference. Section 80092.8(a)(6)(A) is repealed to omit references only applicable to "ADCs and ADSCs."

Factual Basis:

The amendments in Sections 80092.8(a) and (a)(2) are necessary for clarity and consistency. The repeal of Section 80092.8(a)(6)(A) is necessary because ADCs and ADSCs are now termed "Adult Day Programs" that will be governed by its own stand-alone chapter of regulations.

b) Identification of Documents Upon Which Department Is Relying

SB 1982, Chapter 773, Statutes of 2002

c) Local Mandate Statement

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in these regulations which require state reimbursement under Section 17500, et seq. of the Government Code.

d) Statement of Alternatives Considered

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

e) Statement of Significant Adverse Economic Impact On Business

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.